



Express Mail No.: **EV913329700US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Confirmation No.: 6595

Application No.: 09/716,960

Group Art Unit: 1647

Filed: November 21, 2000

Examiner: DeBerry, Regina M.

For: METHODS FOR TREATMENT OF
NEURODEGENERATIVE CONDITIONS BY
PERIPHERALLY ADMINISTERED
ERYTHROPOIETIN

Attorney Docket No.: 10165-009-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 and §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 1, 2007 and in accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references EI-FI listed on the attached revised form PTO 1449. Copies of references EI-FI are provided herewith.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO 1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith a revised form PTO 1449 entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

08/06/2007 TLUU11 00000013 503013 09716960

02 FC:1806 180.00 DA

Pursuant to 37 C.F.R. § 1.97(c)(2), Applicants estimate that a fee of \$180.00 is due in connection with the filing of this Information Disclosure Statement. The Patent Office is authorized to charge the required fee to Jones Day Deposit Account No. 50-3013. A duplicate of this sheet is enclosed for accounting purposes.

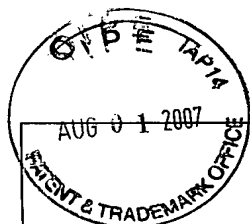
Respectfully submitted,

Date: August 01, 2007

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Eileen E. Falvey 46,097
Eileen E. Falvey (Reg. No.)

Enclosure



LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

ATTY. DOCKET NO. 10165-009-999	APPLICATION NO. 09/716,960
APPLICANT Brines et al.	
FILING DATE November 21, 2000	ART UNIT 1647

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
EI		2002/0052309	05/02/02	Anagnostou et al.	
EJ		Patent Interference No. 105,500	10/02/06	Ehrenreich v. Brines Interference: Judgment Paper 1, Declaration, Brines clean copy of claims, and Ehrenreich clean copy of claims	

FOREIGN PATENT DOCUMENTS

		FOREIGN PATENT DOCUMENT COUNTRY CODE, NUMBER, KIND CODE (IF KNOWN)	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR	T
EK		WO 98/10650	03/19/98	East Carolina University		

NON PATENT LITERATURE DOCUMENTS

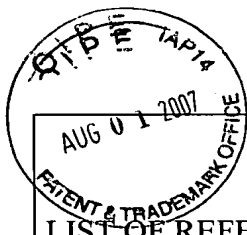
Examiner Initials		(Include name of the author (in CAPITAL LETTERS), Title, Date, Pertinent Pages, Etc.)	T
EL		ANAGNOSTOU et al., 1994, "Erythropoietin receptor mRNA expression in human endothelial cells", Proc. Natl. Acad. Sci. USA 91:3974-3978	
EM		BENYO AND CONRAD, 1999, "Expression of erythropoietin receptor by trophoblast cells in the human placenta", Biol. Reprod. 60:861-870	
EN		BERNAUDIN et al., 2000, Neurons and astrocytes express EPO mRNA: oxygen-sensing mechanisms that involve the redox-state of the brain", Glia 30:271-278	
EO		EHRENREICH et al., 2002, "Erythropoietin therapy for acute stroke is both safe and beneficial", Molec. Med., 8(8):495-505	
EP		FARRELL et al., 2001, "Erythropoietin crosses the blood brain barrier", Blood 98:148b (abstr. # 4265; 43 rd Annual Meeting of the American Society of Hematology, Orlando FL, Dec. 7-11, 2001)	
EQ		GORIO et al., 2002, "Recombinant human erythropoietin counteracts secondary injury and markedly enhances neurological recovery from experimental spinal cord trauma", Proc. Natl. Acad. Sci. USA 99:9450-9455 (PNAS Early Edition www.pnas.org/cgi/doi/10.1073/pnas.142287899)	
ER		GRASSO et al., 2002, "Beneficial effects of systemic administration of recombinant human erythropoietin in rabbits subjected to subarachnoid hemorrhage", Proc. Natl. Acad. Sci. USA 99:5627-5631	
ES		GREGORY et al., 1999, "GATA-1 and erythropoietin cooperate to promote erythroid cell survival by regulating bcl-x _L expression", Blood 94:87-96	
ET		JUNK et al., 2002, "Erythropoietin administration protects retinal neurons from acute ischemia-reperfusion injury", Proc. Natl. Acad. Sci. USA 99:10659-10664 (PNAS Early Edition www.pnas.org/cgi/doi/10.1073/pnas.152321399)	
EU		JUUL et al., 1998, "Tissue distribution of erythropoietin and erythropoietin receptor in the developing human fetus", Early Human Devel. 52:235-249	
EV		JUUL et al., 2001, "Recombinant erythropoietin (EPO) crosses the blood brain barrier (BBB) in preterm fetal sheep", Soc. for Neuroscience Abstracts 27:929 (31 st Annual Meeting of the Society for Neuroscience, San	

NYI-4008905v1

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 10165-009-999	APPLICATION NO. 09/716,960
	APPLICANT Brines et al.	
	FILING DATE November 21, 2000	ART UNIT 1647

NON PATENT LITERATURE DOCUMENTS

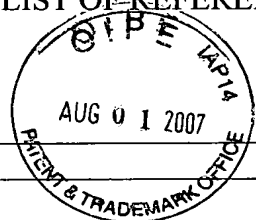
Examiner Initials		(Include name of the author (in CAPITAL LETTERS), Title, Date, Pertinent Pages, Etc.)	T
		Diego, CA Nov. 10-15, 2001)	
	EW	LI et al., 1996, "Erythropoietin receptors are expressed in the central nervous system of mid-trimester human fetuses", <i>Pediatr. Res.</i> 40 :376-380	
	EX	LIU et al., 1996, "Transgenic mice containing the human erythropoietin receptor gene exhibit correct hematopoietic and neural expression", <i>Proc. Assoc. Am. Physicians</i> 108 :449-454	
	EY	MIONI et al., 1992, "Evidence for specific binding and stimulatory effects of recombinant human erythropoietin on isolated adult rat Leydig cells", <i>Acta Endocrinologica</i> 127 :459-465	
	EZ	OKADA et al., 1996, "Erythropoietin stimulates proliferation of rat-cultured gastric mucosal cells", <i>Digestion</i> 57 :328-332	
	FA	SALINSKA et al., 2005, "The role of Excitotoxicity in Neurodegeneration." <i>Folia Neuropath.</i> 43 (4):322-339	
	FB	SAWYER et al., 1989, "Receptors for erythropoietin in mouse and human erythroid cells and placenta", <i>Blood</i> 74 :103-109	
	FC	SEGURA-AGUILAR et al., 2004, "Neurotoxins and Neurotoxic Species Implicated in Neurodegeneration." <i>Neurotox. Res.</i> , 6 (7,8):615-630	
	FD	SILVA et al., 1999, "Erythropoietin can induce the expression of bcl-x _L through Stat5 in erythropoietin-dependent progenitor cell lines", <i>J. Biol. Chem.</i> 274 :22165-22169	
	FE	SIRÉN et al., 2001, "Erythropoietin prevents neuronal apoptosis after cerebral ischemia and metabolic stress", <i>Proc. Natl. Acad. Sci. USA</i> 98 :4044-4049	
	FF	TRIST, 2000, "Excitatory amino acid agonists and antagonists: pharmacology and therapeutic applications." <i>Pharmaceutica Acta Helvetiae</i> 74 :221-229	
	FG	WANG et al, 2005, "Kainic acid-mediated excitotoxicity as a model for neurodegeneration." <i>Molec Neurobiol.</i> 31 (1-3): 3-16	
	FH	WESTENFELDER et al., 1999, "Human, rat and mouse kidney cells express functional erythropoietin receptors", <i>Kidney Intl.</i> 55 :808-820	
	FI	WILLIAMS et al., 1994, "The Expression and Role of Human Erythropoietin Receptor in Erythroid and Nonerythroid Cells." In Rich et al. ed. <i>Molecular, Cellular, and Developmental Biology of Erythropoietin and Erythropoiesis</i> . Ann. NY Acad. Sci. 718 :232-244	

NYI-4008905v1

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)



ATTY. DOCKET NO.

10165-009-999

APPLICATION NO.

09/716,960

APPLICANT

Brines et al.

FILING DATE

November 21, 2000

ART UNIT

1647

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
EI		2002/0052309	05/02/02	Anagnostou et al.	
EJ		Patent Interference No. 105,500	10/02/06	Ehrenreich v. Brines Interference: Judgment Paper 1, Declaration, Brines clean copy of claims, and Ehrenreich clean copy of claims	

FOREIGN PATENT DOCUMENTS

		FOREIGN PATENT DOCUMENT COUNTRY CODE, NUMBER, KIND CODE (IF KNOWN)	DATE	NAME	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR	T
EK		WO 98/10650	03/19/98	East Carolina University		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials		(Include name of the author (in CAPITAL LETTERS), Title, Date, Pertinent Pages, Etc.)	T
EL		ANAGNOSTOU et al., 1994, "Erythropoietin receptor mRNA expression in human endothelial cells", Proc. Natl. Acad. Sci. USA 91:3974-3978	
EM		BENYO AND CONRAD, 1999, "Expression of erythropoietin receptor by trophoblast cells in the human placenta", Biol. Reprod. 60:861-870	
EN		BERNAUDIN et al., 2000, Neurons and astrocytes express EPO mRNA: oxygen-sensing mechanisms that involve the redox-state of the brain", Glia 30:271-278	
EO		EHRENREICH et al., 2002, "Erythropoietin therapy for acute stroke is both safe and beneficial", Molec. Med., 8(8):495-505	
EP		FARRELL et al., 2001, "Erythropoietin crosses the blood brain barrier", Blood 98:148b (abstr. # 4265; 43 rd Annual Meeting of the American Society of Hematology, Orlando FL, Dec. 7-11, 2001)	
EQ		GORIO et al., 2002, "Recombinant human erythropoietin counteracts secondary injury and markedly enhances neurological recovery from experimental spinal cord trauma", Proc. Natl. Acad. Sci. USA 99:9450-9455 (PNAS Early Edition www.pnas.org/cgi/doi/10.1073/pnas.142287899)	
ER		GRASSO et al., 2002, "Beneficial effects of systemic administration of recombinant human erythropoietin in rabbits subjected to subarachnoid hemorrhage", Proc. Natl. Acad. Sci. USA 99:5627-5631	
ES		GREGORY et al., 1999, "GATA-1 and erythropoietin cooperate to promote erythroid cell survival by regulating bcl-x _L expression", Blood 94:87-96	
ET		JUNK et al., 2002, "Erythropoietin administration protects retinal neurons from acute ischemia-reperfusion injury", Proc. Natl. Acad. Sci. USA 99:10659-10664 (PNAS Early Edition www.pnas.org/cgi/doi/10.1073/pnas.152321399)	
EU		JUUL et al., 1998, "Tissue distribution of erythropoietin and erythropoietin receptor in the developing human fetus", Early Human Devel. 52:235-249	
EV		JUUL et al., 2001, "Recombinant erythropoietin (EPO) crosses the blood brain barrier (BBB) in preterm fetal sheep", Soc. for Neuroscience Abstracts 27:929 (31 st Annual Meeting of the Society for Neuroscience, San	

NYI-4008905v1

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)



ATTY. DOCKET NO.

10165-009-999

APPLICATION NO.

09/716,960

APPLICANT

Brines et al.

FILING DATE

November 21, 2000

ART UNIT

1647

NON PATENT LITERATURE DOCUMENTS

Examiner Initials		(Include name of the author (in CAPITAL LETTERS), Title, Date, Pertinent Pages, Etc.)	T
		Diego, CA Nov. 10-15, 2001)	
	EW	LI et al., 1996, "Erythropoietin receptors are expressed in the central nervous system of mid-trimester human fetuses", <i>Pediatr. Res.</i> 40 :376-380	
	EX	LIU et al., 1996, "Transgenic mice containing the human erythropoietin receptor gene exhibit correct hematopoietic and neural expression", <i>Proc. Assoc. Am. Physicians</i> 108 :449-454	
	EY	MIONI et al., 1992, "Evidence for specific binding and stimulatory effects of recombinant human erythropoietin on isolated adult rat Leydig cells", <i>Acta Endocrinologica</i> 127 :459-465	
	EZ	OKADA et al., 1996, "Erythropoietin stimulates proliferation of rat-cultured gastric mucosal cells", <i>Digestion</i> 57 :328-332	
	FA	SALINSKA et al., 2005, "The role of Excitotoxicity in Neurodegeneration." <i>Folia Neuropath.</i> 43 (4):322-339	
	FB	SAWYER et al., 1989, "Receptors for erythropoietin in mouse and human erythroid cells and placenta", <i>Blood</i> 74 :103-109	
	FC	SEGURA-AGUILAR et al., 2004, "Neurotoxins and Neurotoxic Species Implicated in Neurodegeneration." <i>Neurotox. Res.</i> , 6 (7,8):615-630	
	FD	SILVA et al., 1999, "Erythropoietin can induce the expression of bcl-x _L through Stat5 in erythropoietin-dependent progenitor cell lines", <i>J. Biol. Chem.</i> 274 :22165-22169	
	FE	SIREN et al., 2001, "Erythropoietin prevents neuronal apoptosis after cerebral ischemia and metabolic stress", <i>Proc. Natl. Acad. Sci. USA</i> 98 :4044-4049	
	FF	TRIST, 2000, "Excitatory amino acid agonists and antagonists: pharmacology and therapeutic applications." <i>Pharmaceutica Acta Helvetiae</i> 74 :221-229	
	FG	WANG et al, 2005, "Kainic acid-mediated excitotoxicity as a model for neurodegeneration." <i>Molec Neurobiol.</i> 31 (1-3): 3-16	
	FH	WESTENFELDER et al., 1999, "Human, rat and mouse kidney cells express functional erythropoietin receptors", <i>Kidney Intl.</i> 55 :808-820	
	FI	WILLIAMS et al., 1994, "The Expression and Role of Human Erythropoietin Receptor in Erythroid and Nonerythroid Cells." In Rich et al. ed. <i>Molecular, Cellular, and Developmental Biology of Erythropoietin and Erythropoiesis</i> . Ann. NY Acad. Sci. 718 :232-244	

NYI-4008905v1

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.